

LS990005

09/840,000
patent application**REMARKS**

Support for this amendment may be found *inter alia* in Applicants' drawings, claims and specification (*specifically pg. 4, line 10 – pg. 30, line2*); accordingly, no new matter has been introduced. In the January 17, 2003 Office Action, the Examiner has rejected claims **15-19, 21-24 and 26-28**. After entry of the preceding amendments, claims **15-19, 21-24 and 26-27** remain pending in the application. Consideration and allowance of all pending claims **15-19, 21-24 and 26-27** is earnestly requested.

As a preliminary matter, the undersigned thanks the Examiner for the courtesy of the informal telephone conference wherein Applicants requested status information concerning the record of prosecution of the instant Application.

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Claim Objections

Appropriate correction of the appearance of "smicrolocations" has been addressed in the amendment of claim 19.

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patent application**35 U.S.C. §102(b)**

Claims 15, 17, 19, 21, 22, 24, 27 and 28 have been rejected as purportedly anticipated by Hogan *et al.* (WO 97/18226). The anticipatory rejection of claims 15, 17, 19, 21, 22, 24, 27 and 28 has been rendered moot in view of Applicants' instant response and amendment. Accordingly, Applicants respectfully request withdrawal of the §102(b) rejection of claims 15, 17, 19, 21, 22, 24 and 27 with entry of the instant Amendment.

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patent application**35 U.S.C. §103(a)**

Claims 15-17, 19, 21-22, 24 and 26-28 have been rejected under 35 U.S.C. §103(a) as being purportedly unpatentable over Hogan *et al.* in view of Beattie (US Patent No. 5,843,767). The obviousness rejection of claims 15-17, 19, 21-22, 24 and 26-28 has been rendered moot in view of Applicants' instant response and amendment. Accordingly, Applicants respectfully request withdrawal of the §103(a) rejection of claims 15-17, 19, 21-22, 24 and 26-27 with entry of the instant Amendment.

Claims 18 and 23 have been rejected under 35 U.S.C. §103(a) as being purportedly unpatentable over Hogan *et al.* and Beattie in further view of Drmanac *et al.*. The obviousness rejection of claims 18 and 23 has been rendered moot in view of Applicants' instant response and amendment. Accordingly, Applicants respectfully request withdrawal of the §103(a) rejection of claims 18 and 23 with entry of the instant Amendment.

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Claims 15-19, 21-24 and 26-27 are pending in the application. Consideration of the previously pending claims and allowance of all claims 15-19, 21-24 and 26-27 is earnestly requested.

No amendment made herein was related to the statutory requirements of patentability unless expressly stated; rather any amendment not so identified may be considered as directed *inter alia* to clarification of the structure and/or function of the invention and Applicants' best mode for practicing the same. **More specifically, the method-based claims of the instant application have been amended herein to better conform them to the device-based claims previously elected in Restriction of the corresponding parent application; the same claims having already issued to Applicants in U.S. Patent No. 6,238,909.** Additionally, no amendment made herein was presented for the purpose of narrowing the scope of any claim, unless Applicants have argued that such amendment was made to distinguish over a particular reference or combination of references. Furthermore, no election to pursue a particular line of argument was made herein at the expense of precluding or otherwise impeding Applicants from raising alternative lines of argument later during prosecution and/or Appeal. Applicants' failure to affirmatively raise specific arguments is not intended to be construed as an admission to any particular point raised by the Examiner.

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Should the Examiner have any questions regarding this Response and Amendment or feel that a telephone call to the undersigned would be helpful to further advance prosecution of this application, the Examiner is invited to call the undersigned at the number given below.

Respectfully submitted,



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